

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED PARCEL SERVICE, INC.,

Plaintiff,

- against -

LEXINGTON INSURANCE COMPANY,

Defendant.

Case No.: 12-cv-07961 (SAS)

ECF Case

**NOTICE OF MOTION
FOR PARTIAL SUMMARY
JUDGMENT**

Oral Argument Requested

PLEASE TAKE NOTICE that upon the Declaration of Stephen P. McLaughlin, dated June 25, 2013, together with the exhibits annexed thereto, the accompanying Memorandum of Law and Local Rule 56.1 Statement of Undisputed Material Facts and all pleadings and proceedings heretofore had herein, the undersigned will move this Court on behalf of Plaintiff United Parcel Service, Inc. (“UPS”), before the Honorable Shira A. Scheindlin at the courthouse located at 500 Pearl Street, New York, New York 10007 for an order pursuant to Rule 56(a) of the Federal Rules of Civil Procedure, granting partial summary judgment on UPS’s claims that Defendant Lexington Insurance Company is required to (1) assume UPS’s defense in *Chase v. United Parcel Service, Inc.*, Index No. 7445/10 (Supreme Ct. Kings County) (the “Underlying Action”); and (2) reimburse the attorneys’ fees and expenses UPS has incurred to date in its defense of the Underlying Action, plus interest from the date each bill was paid, together with for such other, further and different relief as this Court deems just and proper.

Oral argument is requested.

Dated: White Plains, New York
June 25, 2013

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